

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

January 11, 2000

E/PRO ENGINEERING AND ENVIRONMENTAL  
CONSULTING, LLC  
Application for License to Operate as a  
Competitive Electricity Provider

Docket No. 1999-910

ORDER GRANTING LICENSE

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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**I. SUMMARY**

In this Order, we license E/PRO Engineering and Environmental Consulting, LLC to operate as a competitive electricity provider furnishing aggregator/broker services in Maine pursuant to Chapter 305 of the Commission's Rules.

**II. APPLICATION**

On December 16, 1999, E/PRO Engineering and Environmental Consulting, LLC (E/PRO) applied to the Commission for a license to operate in Maine as a competitive electricity provider, as provided in Chapter 305.

A. Type of Service Proposed

E/PRO proposes to act as an aggregator or broker for electric service provided to the public at retail. E/PRO's application states that the proposed licensee plans to market energy consulting services to commercial and industrial customers in the transmission and distribution utility service territories of Central Maine Power Company, Bangor Hydro-Electric Company, Maine Public Service Company, Madison Electric Works, and Kennebunk Light and Power District.

B. Fee Paid

With its application, E/PRO paid a \$100 fee to the Commission, as required by section 2(C)(5) of Chapter 305.

### **III. FINANCIAL ISSUES**

#### **A. Security**

E/PRO will operate as an electricity broker/aggregator in Maine. Pursuant to section 2(B)(1)(a)(i) of Chapter 305, E/PRO does not have to furnish a security instrument to the Commission.

#### **B. Showing of Professional and Financial Capability**

E/PRO will operate as an electricity broker/aggregator in Maine; accordingly, E/PRO is required to demonstrate its professional responsibility pursuant to section 2(B)(1)(b) of Chapter 305. E/PRO filed supporting information to demonstrate its professional responsibility. We have reviewed that information and find that it complies with the requirements of Chapter 305. E/PRO stated that it will not hold retail customer funds, and accordingly is not required to demonstrate its financial capability pursuant to section 2(B)(1)(b) of Chapter 305. If E/PRO wishes to hold customer funds in the future, it must first obtain authority from the Commission.

### **IV. TECHNICAL ISSUES**

#### **A. Showing of Technical Capability**

E/PRO will operate as an electricity broker/aggregator in Maine; accordingly, E/PRO is required to demonstrate its technical fitness to conduct its proposed business pursuant to section 2(B)(2)(c) of Chapter 305. E/PRO filed supporting information to demonstrate its technical capability. We have reviewed that information and find that it complies with the requirements of Chapter 305.

#### **B. Resource Portfolio**

E/PRO will operate as an electricity broker/aggregator in Maine. Pursuant to section 2(B)(4) of Chapter 305, E/PRO is not required to demonstrate an ability to meet the resource portfolio requirement of 35-A M.R.S.A. § 3210 and the portfolio requirement reporting rules in Chapter 311 of the Commission's rules.

### **V. CONSUMER PROTECTION ISSUES**

#### **A. Showing of Fitness**

In its application, E/PRO provided information required by Chapter 305, section 2(B)(3) related to enforcement proceedings and customer complaints. We have reviewed that information and find that it meets the requirements of Chapter 305.

B. Ability to Comply with Consumer Protection Rules

E/PRO will operate as an electricity aggregator/broker in Maine. Pursuant to section 2(B)(6) of Chapter 305, E/PRO is not required to demonstrate its ability to comply with applicable consumer protection requirements.

C. Do-Not-Call List

Chapter 305 section 4(I) states that “[t]he Commission will maintain or cause to be maintained a ‘Do-Not-Call’ list of customers who have requested -- orally, in writing, or by commercially accepted electronic means -- that they not receive telemarketing calls from competitive electricity providers.” We require that licensees use do-not-call list mechanisms already in place nationally to satisfy that requirement. To the extent that it telemarkets to Maine consumers, E/PRO shall comply with the following requirements.

E/PRO must comply with the requirements of the Telephone Consumer Protection Act,<sup>1</sup> the Telemarketing and Consumer Fraud and Abuse Prevention Act,<sup>2</sup> and related rules of the Federal Communications Commission<sup>3</sup> and Federal Trade Commission.<sup>4</sup> E/PRO must comply with those requirements and must maintain its own do-not-call list as required by those laws and rules, for all intrastate and interstate telemarketing of Maine consumers, including both residential and business customers. E/PRO shall not telemarket to Maine customers on that list, as required in Chapter 305 section 4(I)(1). E/PRO shall update its do-not-call list at least monthly, and maintain copies of that list for at least six months. E/PRO shall provide a copy of that list to the Commission upon request.

Further, each month, E/PRO must obtain listings of Maine consumers who have arranged to be included on the do-not-call list maintained by the Telephone Preference Service of the Direct Marketing Association, Inc.<sup>5</sup> E/PRO shall not telemarket to Maine customers on that list, as required in Chapter 305 section 4(I)(1).

## **VI. ADDITIONAL PROVISIONS**

E/PRO must comply with all applicable requirements and limitations in Chapter 305 not explicitly waived in this Order. E/PRO must also comply with all requirements and

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<sup>1</sup>47 U.S.C. § 227

<sup>2</sup>15 U.S.C. §§ 6101-6108

<sup>3</sup>47 CFR 64.1200

<sup>4</sup>FTC Telemarketing Sales Rule, 16 CFR Part 310

<sup>5</sup>Telephone Preference Service, Direct Marketing Association, Inc., P.O. Box 9014, Farmingdale, NY 11735-9014

limitations in other applicable Commission rules, including any applicable future changes in Maine laws and Commission rules, and in other parts of this Order.

## **VII. ORDERING PARAGRAPHS**

Accordingly, we

1. license E/PRO Engineering and Environmental Consulting, LLC to operate as a competitive electricity provider in Maine; under this license, E/PRO Engineering and Environmental Consulting, LLC may operate only as an aggregator/broker, as defined in Chapter 305 of the Commission's Rules, in the service territories of Central Maine Power Company, Bangor Hydro-Electric Company, Maine Public Service Company, Madison Electric Works, and Kennebunk Light and Power District;
2. order that E/PRO Engineering and Environmental Consulting, LLC may not hold retail customer funds;
3. order E/PRO Engineering and Environmental Consulting, LLC to comply with all Do-Not-Call List requirements contained in Part V(C) of this Order to the extent that it telemarkets to Maine consumers; and
4. order that this license is effective on the date of this Order and valid until revoked by the Commission pursuant to section 3(A)(4) of Chapter 305, or abandoned by the licensee pursuant to sections 2(C)(9) and 2(C)(11) of Chapter 305 of the Commission's Rules.

Dated at Augusta, Maine, this 11th day of January, 2000.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR: Welch

Nugent  
Diamond